MR. M. R. MADHAVA VARIAR: If Mr. Van Ross will formulate a scheme and if Government will agree to pass a law on prohibition within a particular period, I will withdraw. The principle has been accepted even from 1074 M. E.

PRESIDENT: I am afraid Government cannot do the thing in such an off-hand manner. The Excise Commissioner will place his scheme before the Government for examination and acceptance —as far as it can be accepted. I do not think Government can say more than that on the spur of the moment.

MR. M. R. MADHAVA VARIAR: Then I withdraw the resolution.

The resolution was, by leave, withdrawn.

## RESOLUTION *RE*.—EXTENSION OF SERVICE.

PRESIDENT: The next resolution stands in the name of Mr. T. Kumara Pillai and runs as follows:

"That this Council recommends to the Government that no extensions of service be granted to any employe in the public service of the State, except in cases where special knowledge and training are required and where other persons are not avaliable for the time being."

I call upon Mr. Kumara Pillai to move his resolution.

MR. T. KUMARA PILLAI: Sir, I beg to move the following resolution:

That this Council recommends to the Government that no extensions of service be granted to any employe in the public service of the State, except in cases where special knowledge and training are required and where other persons are not available for the time being.

ഉദ്യോഗകാലാവധികൾ നീട്ടിക്കൊടുക്കാൻ പാടില്ലെന്ന കാര്യകാരണസഹിതം പലേ അവസരങ്ങളിലും പ്രജാസഭയിൽ പ്രസ്താവിച്ചിട്ടുള്ളതാണ്. അതിൽ ഗവർൺമെൻറിന്റെ ശ്രദ്ധയെ വേണ്ടപോലെ ആകർഷിക്കാൻ സാധിക്കാത്തതുകൊണ്ടാണ് നിയമസഭയിൽ ഈ പ്രമേയം കൊണ്ടുവരുവാൻ ഇടയായിട്ടുള്ളത്.

ഉദ്യോഗകാലാവധികൾ നീട്ടിക്കൊടുക്കുന്നതിന് ആവശ്യംപോലെ സൌകര്യമുണ്ടാക്കി കൊടുക്കുന്നത് T. S. R. ൽ 304-A. എന്നുള്ള ഒരു വകുപ്പാണ്. ആ വകുപ്പിൽ ഇങ്ങനെ പറഞ്ഞിരിക്കുന്നു.

304 (A). "An officer who was attained the age of fifty-five may be required to retire, unless the Goverement or the head of the department, as the case may be, considers him efficient and permits him to remain in the service. But as the premature retirement of an efficient officer imposes a needless charge on the State, this rule should be worked with discretion, and in cases in which the rule is enforced, a statement of the reasons for enforcing it shall be placed on record".



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[Mr. T Kumara Pillai.]

൫൫ വയസ്സുവരെ ഗവർൺമെൻറിനുവേണ്ടി ബുദ്ധിമുട്ടി വേലചെയ്തിട്ടുള്ളവർക്ക് അവർക്കുപിന്നീടുള്ള ജീവിതദശയിൽ സുഖമായിരിക്കേണ്ട അത്യാവശ്യത്തെ ഗവർൺമെൻറു നല്ലപോലെ അറിഞ്ഞിട്ടാണ് ഈ വകുപ്പിലെ അദ്യഭാഗം സൃഷ്ടിച്ചിട്ടുള്ളത്. ഇതു എത്രയൊ ഉചിതമായിട്ടുള്ളതുതന്നെ. എന്നാൽ ആ തത്വത്തിനു വിപരീതമായി ൫൫ വയസ്സുവരെ രാപകൽ വേലചെയ്ത കായക്ലേശം അനുഭവിച്ചുകൊണ്ടിരിക്കുന്നവരെ ഉടനെ പെൻഷൻകൊടുത്ത് ഉദ്യോഗത്തിൽനിന്നു പിരിച്ചുവിടാതെ വീണ്ടും വേലചെയ്യാൻ അവരോടു നിർബന്ധിക്കുന്നതിനു സൌകര്യംകൊടുക്കുന്നതായ ആ വകുപ്പിലെ അവസാനഭാഗം ഭരണധർമ്മത്തിന് ഒരിക്കലും യോജിക്കുന്നതല്ല. ഗവർൺമെൻറു നിശ്ചയിച്ചിട്ടുള്ള ഉദ്യോഗകാലാവധിയായ ൫൫ വയസ്സു തികഞ്ഞതിൽ പിന്നീട് ഉദ്യോഗകാലാവധി നീട്ടിക്കിട്ടണമെന്ന് ആഗ്രഹിക്കുന്നവർ ഗവർൺമെൻറിനോടു അപേക്ഷിക്കണമെന്നുകൂടി നിശ്ചയിച്ചിട്ടുള്ളതായി അറിയാം. ൫൫ വയസ്സുവരെ കായ്ക്ഷമതയോടും, കളങ്കരഹിതമായും പബ്ലിക്കു സർവീസിൽ ജോലിചെയ്തിട്ടുള്ളവർ ആ ചുമതലയേറിയ ഭാരത്തിൽനിന്നു വിരമിച്ചു ശേഷിച്ചകാലം സുഖമായിരിക്കാൻ ആഗ്രഹിക്കയല്ലാതെ വീണ്ടും വേലചെയ്യാനായി തയ്യാറാകുമെന്നു തോന്നുന്നില്ല. അതിനു വിപരീതമായി ഉദ്യോഗകാലാവധി നീട്ടിക്കിട്ടണമെന്ന് അപേക്ഷിക്കുന്നവരുടെ കഴിഞ്ഞുകൂടിയതായ ഉദ്യോഗജീവചരിത്രത്തെ പരിശോധിക്കുന്നതായാൽ അതിലേക്ക് അവരെ പ്രേരിപ്പിച്ചിട്ടുള്ള കാരണങ്ങളും അതിൽ വ്യക്തമായി കാണാൻ സാധിക്കുന്നതാണ്. ൫൫ വയസ്സു തികഞ്ഞാലും ശേഷിയുള്ളവർക്കു ഉദ്യോഗകാലാവധികൂടി നീട്ടിക്കൊടുക്കാമെന്നുള്ള ന. ൦ ൪-ആ വകുപ്പിലെ ആ ഭാഗമാണ് പബ്ലിക്കു സർവീസിൽ വലുതായ ദുരിതങ്ങളേയും കളങ്കങ്ങളേയും ഉണ്ടാക്കിത്തീർത്തിട്ടുള്ളത്. ആ വകുപ്പിൽ ഉപയോഗിച്ചിരിക്കുന്ന "Efficient" എന്നുള്ള വാക്കിനു ഗവർൺമെൻറ് ഉദ്ദേശിച്ചിട്ടുള്ള അർത്ഥം തന്നെയാണ് ജനങ്ങളും സ്വീകരിച്ചിട്ടുള്ളത്. എന്നാൽ ഇവിടെ ഉദ്യോഗകാലാവധികൂടി നീട്ടിക്കൊടുക്കയും, നീട്ടിവാങ്ങുകയും ചെയ്യുന്ന പലേ അവസരങ്ങളിലും "Efficient" എന്നുള്ള വാക്കിന് അപ്പോൾ ഗവർൺമെൻറു സങ്കല്പിക്കുന്ന അർത്ഥത്തോടു ജനങ്ങൾക്കു യോജിക്കാൻ നിവൃത്തിയില്ലാതെ അവർ വിഷമിക്കുന്നു.

പബ്ലിക്കു സർവീസിനു സാധാരണമായി പരീക്ഷാവിജയങ്ങൾക്കു പുറമെ അത്യാവശ്യമായി കരുതിപ്പോരുന്നതു കായശക്തി, മനഃശക്തി, ഓ

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മ്മശക്തി, ബുദ്ധിശക്തി ഇവയാണ്. ഈ വയസ്സിനുമേൽ ഈ ശക്തികളുള്ള ഉദ്യോഗസ്ഥന്മാക്കാണോ ഉദ്യോഗകാലാവധികഠം നീട്ടിക്കൊടുക്കുന്നതെന്നു പരിശോധിക്കുന്നതായാൽ ഈ തരത്തിലുള്ളവരിൽ പലരേയും ഈ ഉദ്ദേശത്തെ വയസ്സു തികയുന്ന അന്നെദിവസംതന്നെ ഉദ്യോഗങ്ങളിൽനിന്നു പിരിച്ചു പെൻഷൻ കൊടുത്തിട്ടുള്ളതായി കാണാവുന്നതാണ്. നേരെമറിച്ച് ഉദ്യോഗകാലാവധികഠം നീട്ടിക്കൊടുത്തിട്ടുള്ളവരെ ദൃഷ്ടാന്തമായി നോക്കുന്നതായാൽ മേൽ വിവരിച്ച ശക്തികഠം ക്ഷയിച്ചു മിനചയ്കകഠം പോലും പരാശ്രയംകൂടാതെ സാധിക്കാൻ നിർവ്വാഹമില്ലാത്തവരെ ആ പട്ടികയിൽ കാണാവുന്നതാണ്. ഇത് എങ്ങിനെ സാധിക്കുന്നു എന്നുള്ളതു പലരുടേയും ഗൌരവമായ ആലോചനയ്ക്കു വിഷയീഭവിച്ചിട്ടുണ്ടെങ്കിലും അതുകം ഇതുവരെ വ്യക്തമായി അറിവാൻ ഇടയായിട്ടില്ല. ഒരു ഉദ്യോഗസ്ഥന്റെ ഉദ്യോഗകാലാവധി തീരുമ്പോഠം ആ സ്ഥാനത്തേക്ക് അവശ്യം വേണ്ടതായ പ്രത്യേകപഠിപ്പും പരിശീലനവും ഉള്ളതായ ആളുകഠം തൽകാലം കിട്ടാതെവരുന്ന അവസരങ്ങളിൽ ആ ആറംകഴ ഉദ്യോഗകാലാവധി നീട്ടിക്കൊടുക്കുന്നത് ഒരുവിധം നീതികരിക്കാവുന്നതാണ്. അങ്ങനെവരുന്ന ദൃഷ്ടാന്തങ്ങഠം ഇവിടത്തെ സർവ്വീസിൽ വളരെ വളരെ അപൂർവ്വമായിട്ടേ കാണ്മാൻ തരമുള്ളൂ.

രാജ്യത്തിന്റെ ഇന്നത്തെ സ്ഥിതിക്ക് ഉദ്യോഗകാലാവധികഠം നീട്ടിക്കൊടുക്കാവുന്നതാണോ എന്നു പരിശോധിക്കുന്നതായാൽ അതിന് അനുകൂലമായ സംഗതികഠം ഉണ്ടായിരിക്കുമെന്നു തോന്നുന്നില്ല. മുൻകാലങ്ങളിൽ പരിഷ്കൃതരീതിയിലുള്ള ഭരണം നടത്തുന്നതിന് ഇംഗ്ലീഷ്പരിജ്ഞാനമുള്ളവർ ഇവിടെ കുറവായിരുന്നതുകൊണ്ടു പുറമെനിന്നും അതിലേക്ക് അനുരൂപമായി ആളുകളെ വരുത്തേണ്ടതായും അവക്ക് ഉദ്യോഗകാലാവധികഠം നീട്ടിക്കൊടുക്കേണ്ടതായും വന്നിട്ടുണ്ട്. രാജ്യത്തിലെ ഇന്നത്തെ സ്ഥിതി നേരെ തിരിഞ്ഞിരിക്കയാണ് ചെയ്യുന്നത്. ഏതു പരിഷ്കൃതരാജ്യങ്ങളിലും ഏതു ഉദ്യോഗങ്ങളും കൈയേറ്റു കായ്ക്ഷമതയോടുകൂടി ഭരിക്കാൻ പൂർണ്ണയോഗ്യതകളുള്ള അസംഖ്യം ഉൽകൃഷ്ടപരീക്ഷാവിജയികളായ യുവാക്കന്മാർ ഇപ്പോഠം ഇവിടെയുണ്ട്. ഓരോ ആണ്ടിലും ഇവിടത്തെ വിദ്യാലയങ്ങളിൽനിന്നു പരീക്ഷാവിജയികളായി പുറത്തിറങ്ങുന്ന യുവാക്കന്മാരിൽ ഒരംശത്തിനുപോലും ഉദ്യോഗങ്ങഠം കൊടുക്കുന്നതിനു ഗവർൺമെൻറിനു സാധിക്കാത്തനിലയിലാണ് ഇപ്പോഠം എത്തിയിരിക്കുന്നത്. ഈ സ്ഥിതിയിൽ ഒരു ഉദ്യോഗസ്ഥന് ഉദ്യോഗകാലാവധി നീട്ടിക്കൊടുക്കുക എന്നുവച്ചാൽ ന്യായാവകാശിയായ ഒരു ചെറുപ്പ

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[Mr. T. Kumara Pillai.]

ക്കാരന്റെ മേൽഗതിയെ അന്യായമായി തടയുക എന്നാണ് അതിന് അർത്ഥം കല്പിക്കേണ്ടതു്. ഉൽകൃഷ്ടപരീക്ഷാവിജയികളായ ഇന്നത്തെ യുവാക്കന്മാരുടെ ന്യായമായ നന്മയെ വിചാരിച്ചിട്ടെങ്കിലും ഉദ്യോഗകാലാവധികം നീട്ടിക്കൊടുക്കാൻ പാടില്ലാത്തതാണ്.

ഈ വാദത്തിനു തക്കതായ സമാധാനം പറയാനായി T. S. R. 304 A വകുപ്പിൽ ഗവർൺമെൻറു കരുതീട്ടുണ്ട്. അതായതു "But as the premature retirement of an efficient officer imposes a needless charge on the State, this rule should be worked with discretion". ഇതിൽ ആദ്യത്തെ ഭാഗത്തിൽ പലേ ന്യായങ്ങളും ഉണ്ടെന്നു പ്രഥമദൃഷ്ടിയിൽ തോന്നിപ്പോകുമായിരിക്കാം. കായ്ക്ഷമതയോടുകൂടിയ ഉദ്യോഗസ്ഥന്മാരെ പെൻഷൺകൊടുക്കാതെ വച്ചുകൊണ്ടിരിക്കുന്നതായാൽ അതുമുഖേന അവർക്കു പെൻഷൺകൊടുക്കുന്നതിൽ വരുന്ന നഷ്ടത്തെ ലാഭപ്പെടുത്താമെന്നാണ് അതിൽകരുതീട്ടുള്ളതു്. ആ നയം ഏതുപോലെയെന്നാൽ അഞ്ചുരൂപാ ലാഭപ്പെടുത്തുന്നതിനുവേണ്ടി ആയിരംരൂപാ ചിലവാക്കുന്നതുപോലെയാണ്. ഒരു വയസ്സിനുമേൽ ഉദ്യോഗങ്ങളിൽ വച്ചുകൊണ്ടിരുന്നാൽ അവരെക്കൊണ്ടു നിത്യനിദാനം നടക്കേണ്ടതായ ജോലികൾ ഒരുവിധം നടന്നുപോരുമായിരിക്കാമെന്നല്ലാതെ ആ ഉദ്യോഗസ്ഥനെക്കൊണ്ടു് ഉദ്ദേശിച്ചിട്ടുള്ള ഫലത്തെപ്പറ്റി, അഥവാ എതൊരുയോ വലുതായ ലാഭങ്ങളും ഗവർൺമെൻറിന് ഉണ്ടാക്കിക്കൊടുക്കാൻ സാധിക്കുന്നതായ ജോലികൾ ചെയ്യാത്തതിനാൽ വലിയ നഷ്ടങ്ങളെ സഹിക്കാമെന്നും പെൻഷൺകൊടുക്കുന്നതിൽ വരുന്ന നഷ്ടം സഹിക്കത്തക്കതല്ലെന്നും ഉള്ള അഭിപ്രായഗതിയെപ്പറ്റി, ഞാൻ ഒന്നുംതന്നെ പറയണമെന്നുദ്ദേശിക്കുന്നില്ല. എന്നുതന്നെയല്ല ഗവർൺമെൻറിനുവേണ്ടി ശക്തിയുള്ള കാലങ്ങളിൽ വേണ്ടപോലെ ബുദ്ധിമുട്ടവേലചെയ്തു സുഖപ്പെടുക്കാൻ അവകാശപ്പെട്ടിട്ടുള്ള ശക്തകൂറഞ്ഞകാലത്തു, ഗവർൺമെൻറിന്റെ സല്ലാഭത്തെകരുതി, അവ അനുവദിക്കാതിരിപ്പാനുള്ള നയവും അതിനു യോജിക്കുന്നതായ നിയമവും ഒരിക്കലും നീതീകരിക്കത്തക്കതല്ല.

ഉദ്യോഗകാലാവധികം നീട്ടിക്കൊടുക്കുന്നതിൽ മറെറാരു ദോഷമുള്ളതു് ചൊടിപ്പും, പ്രസരിപ്പും, കായബലവുമുള്ള അടുത്ത സ്ഥാനക്കാരായ ചെറുപ്പക്കാർക്കു ധാരാളം വേലചെയ്യാവുന്ന കാലങ്ങളിൽ മുതലയുള്ള ഭരണസ്ഥാനങ്ങളും കിട്ടാതെവരുന്നതാണ്. അങ്ങനെയാകുമ്പോൾ വലിയ ഉദ്യോഗങ്ങളിൽ കയറാംകിട്ടുന്നതിനു നല്ലപോലെ പഴുത്തു പാകംവന്നവർക്കു മാത്രമെ ആയതു സാധിക്കുമെന്നു വരുന്നതാണ്. ഇങ്ങനെ

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യുള്ള ദൃഷ്ടാന്തങ്ങൾ ഇവിടത്തെ പബ്ലിക്ക സർവീസിൽ ദുർല്ലഭമായിട്ടല്ല കണ്ടുവരുന്നത്. ഈ തരത്തിലുള്ള എത്രയോ ഉദ്യോഗസ്ഥന്മാർ അവരുടെ അധികാരാതിർത്തികളിലുള്ള സ്ഥലങ്ങളിൽ വാഹനങ്ങൾ പോകുമെന്നുള്ളവ ഒഴിച്ചു മറ്റു യാതൊരു സ്ഥലങ്ങളും കാണ്മാൻ സൌകര്യപ്പെടാതെ ഉദ്യോഗങ്ങളിൽനിന്നു വിരമിച്ചിട്ടുള്ള ദൃഷ്ടാന്തങ്ങൾ ധാരാളമുള്ളതാണ്. ഈ സ്ഥിതി ജനങ്ങൾക്കു സഹിക്കവയ്യാതെ വന്നതുകൊണ്ടാണ് എക്സിക്യൂട്ടീവു ഉദ്യോഗസ്ഥന്മാർ കുതിരസ്സവാരി പരിശീലിച്ചുവച്ചുകൊണ്ടിരിക്കണമെന്നു കഴിഞ്ഞപ്രജാസഭയിൽ ഞാൻതന്നെ പ്രസ്താവിക്കാൻ ഇടയായിട്ടുള്ളത്. ഇങ്ങനെയൊരു നിബന്ധം ഗവർൺമെൻറു വയ്ക്കുന്നതായാൽ ഈ തരക്കാർ ഉദ്യോഗകാലാവധികാലം നീട്ടിക്കിട്ടാനായി ശ്രമിക്കയോ അതിലേക്കായി ഗവർൺമെൻറിനെ ബുദ്ധിമുട്ടിക്കയോ ചെയ്യാതെ രക്ഷപ്പെടാമെന്നുള്ളതാണ്.

ഉദ്യോഗകാലാവധികാലം നീട്ടിക്കൊടുക്കുന്നതിൽ വേറൊരു വലുതായ ദോഷമുള്ളതുകൂടി ഈ കൌൺസിലിൻെറ ശ്രദ്ധയിൽ കൊണ്ടുവരേണ്ടതായിരിക്കുന്നു. ഇന്നേദിവസം ഹജൂർകച്ചേരിയുടെ മുറികളിലും മറ്റ് ഓരോ കച്ചേരികളുടെ മൂലകളിലും ക്ഷമയോടും ഇരുന്നാലാഭംഗത്തോടും ഇരുന്നു വേലചെയ്തുകൊണ്ടിരിക്കുന്ന യുവാക്കന്മാരിൽനിന്നും ഈ രാജ്യത്തെക്കു കിട്ടേണ്ടവരായ എത്രയോ ശങ്കരസുബ്ബയ്യന്മാരും, താണുപിള്ളമാരും, രാജാകേശവദാസന്മാരും നഷ്ടമാകുന്നു. ഈ നഷ്ടം രാജ്യത്തേക്ക് ഒരിക്കലും പരിഹരിക്കത്തക്കതല്ല. മേൽവിവരിച്ച യുവാക്കന്മാർക്കു ശക്തിയുള്ള കാലങ്ങളിൽ രാജ്യത്തിനുവേണ്ടി വേലചെയ്തു നന്മയുണ്ടാക്കാൻ അവർക്കു സൌകര്യംകിട്ടാതെ വരുന്നു. അവരുടെ ബുദ്ധിശക്തികൊണ്ട് രാജ്യത്തേക്കു ക്ഷേമമുണ്ടാക്കാൻ സാധിക്കാതെവരുന്നു. ഭരണകാര്യങ്ങളിലുള്ള അവരുടെ അപൂർവമായ പാടവത്തെ പ്രകടിപ്പിക്കാൻ അവസരം കിട്ടാതെ രാജ്യത്തേക്ക അപരിമിതമായ നഷ്ടം വരുന്നു. ഇങ്ങനെ രാജ്യത്തേക്കും ജനങ്ങൾക്കും നേരിടുന്നതായ ദോഷങ്ങൾക്കും ഉദ്യോഗകാലാവധി നീട്ടിക്കൊടുക്കുന്ന ഗവർൺമെൻറും അയയ്ക്കുന്ന സ്വാർത്ഥതൽപരതയോടുകൂടി വാങ്ങുന്ന ഉദ്യോഗസ്ഥന്മാരും ഒരുപോലെ ഉത്തരവാദികളാണെന്നു പറയാതിരിപ്പാൻ നിവൃത്തിയില്ല.

ഈ രാജ്യത്തുള്ള ഉൽകൃഷ്ടപരീക്ഷാവിജയികളായ യുവാക്കന്മാർക്ക് അപാരമായ ഗുണത്തേയും നന്മയേയും ചെയ്യുന്നതും ജനങ്ങൾക്കു പലവിധമായ ഐശ്വര്യങ്ങളെ ഉണ്ടാക്കുന്നതുമായ ഈ പ്രമേയത്തെ അനുകൂലിക്കുന്നതിൽ അനുദ്യോഗസ്ഥസാമാജികന്മാരിൽ ആർക്കുംതന്നെ വിപരീതാഭിപ്രായമുണ്ടാവാൻ ഇടയില്ലെന്നുള്ള വിശ്വാസത്തോടുകൂടി ഈ പ്രമേയത്തെ ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

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[Mr. K. George.]

MR. T. K. VELU PILLAI: I am very glad to support the principle underlying Mr. Kumara Pillai's resolution. I have no quarrel with superannuated gentlemen. All of us wish to live as long as we can and to some fortunate persons occurs the chance of living as long as they desire. The principle for which Mr. Kumara Pillai stands is that, when several persons are available for positions in the service, high or low, when there are so many people naturally aspiring for promotion, it is detrimental to the interests of the public service to retain gentlemen who are eligble for retirement. In Travancore, Sir, it has become the custom for certain people to apply for extension of service. That is a very wrong practice. If the Government feel that, for certain important reasons, which will stand scrutiny if publicly expressed, an officer's term has to be extended, it is the Government that is to move in the matter and not the officer concerned. A man in the last year of his service is in some respects in the same position as one who has the feeling of approaching death and desires to execute his last will and testament. The whole year will be taken up with settling matters, so that the officer may enjoy the evening of his life comfortably and well. That will lead to several complications. I do not say this with reference to any particular individual. I am saying this in a spirit of detachment. I want the rule to be observed in the interests of the gentlemen themselves. It is a real pleasure to find that, after the operation of the rule enabling Government to retire officers after the 55th year, we find in Travancore in every important town a large number of healthy gentlemen who are retired officers. Their services can be utilised in other ways. I may with pleasure refer to Mr. Hoogewerf and Mr. Lakshmana Pillai who, in their well-earned retirement, find ample energy and leisure to serve the State in the capacity of private citizens. I do not maintain that an extension of service should be invariably prohibited. I would only say in this connection that in case an absolute necessity is made out to extend the period of an officer's service, Government should review the reasons therefor and the proceedings or orders should be published in the Government Gazette. It is not very pleasant to see some officers who are hearty and hale retired, while others get the privilege of having their services extended without sufficient reason. The result is that an officer, when he is 52 or 53, begins to think of the day of reckoning and learns to conduct himself and trim his sails in such manner as to make his public duty subservient to the chances of an extension being obtained. This may only be an innocent kind of human frailty. But, Sir, I request Government that opportunities for human frailties may be made as small as possible. Therefore, Sir, as a matter of principle I second the resolution so ably moved by my friend, Mr. Kumara Pillai.

MR. K. GEORGE: Sir, I take this opportunity to clear a misapprehension as to the nature of the rules that now exist in the Service Regulations regarding the extension of services of officers. There are two classes of officers. In regard to the first class, namely inferior servants, the pre

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sent rules not only do not require that they should be compulsorily retired at 55, but they lay down on the other hand that they should be retained in service so long as they are fit. That is to say, they have ordinarily to be kept in service until their sixtieth year and can be retired before that age only on production of medical certificates to the effect that they are unfit.

MR. M. R. MADHAVA VARIAR: Physically?

MR. K. GEORGE: Yes. Then there is the other class, namely, the superior officers. In regard to them, the rules do not lay down that even they should be retired at 55. I shall read the rule. The first part of the rule was read by Mr. Kumara Pillai himself.

"An officer in superior service, who has attained the age of fifty-five years, may be required to retire, unless the Government or the head of the department, as the case may be, considers him efficient, and permits him to remain in the service. But as the premature retirement of an efficient officer imposes a needless charge on the State this rule should be worked with discretion. And in cases in which the rule is enforced, a statement of the reasons for enforcing it shall be placed on record".

That is to say in the case of efficent officiers the rule should be worked with discretion and in cases in which the rule is enforced a statement of the reasons for enforcing it — that is, for not granting the extension— should be placed on record. Then again, the same Article, section (*b*), enunciates the principle on which the former rule is based.

MR. J. JOHN NIDIRY: May I know if this rule is adopted in British India and Mysore?

MR. K. GEORGE: Yes, it is. Section (*b*) of the same article says:

"The following rule shall be kept carefully in view in applying the rules regarding compulsory retirement:

"To avoid all misapprehension on the subject of the rule regarding the compulsory retirement of officers after the the age of 55 years, it is desirable to state that not only do Articles 304 and 382 of these Regulations not require the compulsory retirement of any efficient officer of whatever age, but that, though the Articles authorise heads of departments at their discretion to presume that an officer is inefficient at 55 years of age conditionally, and at 60 years of age absolutely, yet the whole tenor of the rules is that such presumption shall be exercised with careful consideration, both for the individual who would suffer by being deprived of his appointment while capable of discharging its duties and for the finances of the State which would suffer, were officers, still efficient, prematurely thrown upon the pension list."

I would now deal with the principles that underlie that Article. One essential condition that is laid upon the Government in granting extension is that the officer should be efficient not only physically, but also mentally. On that condition the rules not only do not ask for the compulsory retirement of officers at 55 years of age, but desire that the rule should be exercised with discretion, and that, as far as possible, efficient officers should be retained in service. The principle is this. First, there will be administrative advantage in retaining officers of ripe experience. Officers who have long service would have thereby obtained ripe experience in the duties of their department, and it would be a great loss to the State to be deprived of their services. Then there is the most important consideration, *viz.*, the effect on the finances of the State. It will be conceded

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that the compulsory retirement of an officer absolutely at 55 may entail needless charge if the officer is efficient. When we retire an officer, we have to pay his pension and at the same time appoint another officer in his place. I may here point out that the pension charges of the State have been mounting up rather rapidly. The present expenditure on pensions is Rs. 6½ lakhs which, I should say, is too high for a small State like ours. Unfortunately for the State, if I may put it somewhat brutally, the mortality of the pensioners does not keep pace with the retirement of the officers. Well, our expenditure, as I said, is Rs. 6½ lakhs. Let us take an example to illustrate the cost of compulsory retirement. Suppose, for example, a person is appointed as a Judge of the High Court at the age of 52, which is not an unusual contingency in the State. Suppose he is compelled to retire at 55 on a pension of Rs. 450. A second officer whose age is 52 is then appointed and after 3 years he also is compelled to retire. A third officer too is appointed in the same way, and he is also compelled to retire after 3 years.

MR. T. K. VELU PILLAI: I must ask Mr. George at this stage whether it is in pursuance of the spirit of this rule that two Judges have been lately retired. Is it because they are unhealthy or inefficient?

MR. K. GEORGE: There might be other reasons which the Government might have taken into consideration.

MR. JOSEPH PANJIKARAN: Will Mr. George please state them?

MR. K. GEORGE: I am not in a position to state them.

PRESIDENT: The Account Officer need not know the reasons.

MR. K. PARAMESVARAN PILLAI: May I know whether he is speaking as Account Officer or on behalf of the Government?

PRESIDENT: In answering that question he is speaking as the Account Officer and not on behalf of Government. The reply to that question does not arise out of the resolution. So he is not answering that question on behalf of the Government.

MR. K. GEORGE: Sir, thus in the short space of six years we shall have three High Court Judges retired on a pension of Rs. 450 each.

MR. K. PARAMESVARAN PILLAI: Nevertheless, does the Account Officer know that the rule has been rigorously exercised during the last six or seven years, in regard to High Court Judges?

MR. K. GEORGE: I am not aware of that.

PRESIDENT: As Mr. George said, there may be a number of reasons. The officers themselves might have chosen to retire. I am only mentioning one of the possible reasons.

MR. K. GEORGE: To complete my illustration, in the short space of a few years we shall have several retired High Court Judges and

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that will involve heavy charge on pensions to the State. That is one of the principles, and probably the most important principle, borne in mind by the framers of the rules. Then there may also arise certain other considerations indicated in the rule. It says that the rule should be worked with careful consideration—for the individual who would suffer by being deprived of his appointment while capable of discharging its duties.

Government in considering the question of extensions may have to take into consideration the peculiar circumstances of the individuals concerned. Take the case of an officer who has put in 24 years' service and has reached 55. It will be a case of real hardship if he is to be retried at the age of 55, when by granting him one year's extension his pension would be enhanced.

MR. JOSEPH PANJIKARAN: Irrespective of efficiency?

MR. K. GEORGE: I have said at the outset that the grant of extension of service is always based on efficiency. An officer who retires after 24 years can get only 24/60 of the average emoluments of his appointments; whereas if he puts in an additional year of service, he can get half pension. There might be other considerations also which will weigh with the Government in the granting of the extension. It seems to me that the whole point of my friend Mr. Kumara Pillai's proposal is this. He would lay down that at whatever age an officer is to retire that should be observed as an absolute rule. If there is a rule that officers should retire at 40, then everybody should be forced to retire at 40. If at 55, all officers must retire at 55, and the same if it is 60. That is to say, he wants absolutely to curtail the discretion of Government in this matter. This is a proposal which cannot be agreed to by Government, more especially when they exercise that discretion in the interest of the State. I have pointed out how it is in the interest of the State that the discretion should be vested in the Government. Administration takes financial interests and certain other interests also into consideration. All these will be taken into consideration by the Government when they sanction extensions. The question whether the discretion is exercised rightly is a matter of opinion, and it is a thing in which Government cannot help—there may be criticisms—taking definite lines of action. On that score, therefore, I am afraid, Government cannot accept the resolution, that the discretion now vested in them, on behalf of and in the interests of the State, should be denied.

One or two other points were raised by my friend, Mr. Kumara Pillai and Mr. Velu Pillai. One of them was that the retention of officers after 55 limits the chances of men already serving in the department. About that, in the first place, the granting of extension is not so universal. In the second place, the interests of the State are, I should think, more paramount than the interests of individuals.



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[Mr. K. George.]

MR. T. K. VELU PILLAI: Another question, Sir. I am making a statement to explain myself. The rule allows officers to be retained in service till they are 60. Is it not a fact that most of these people who are given extension after 55 are actually retired before they are 60 ? Is there any instance of a superior officer in which they have gone till 60?

MR. K. GEORGE: There are.

MR. T. K. VELU PILLAI: I will just put the question whether there is any instance of the service of an officer drawing more than Rs. 300 having been extended?

MR. K. GEORGE: I do not carry the whole history of the State services in my head.

MR. T. K. VELU PILLAI: I want Mr. George to give the name of a single officer. I do not want all or many.

MR. K. GEORGE: Since he has now limited his question to higher officers, I am not in a position to answer him.

One more point was, I believe, raised by my friend, Mr. Kumara Pillai; that was that, if any charge is made against an officer, whether he is 55 or not, he should at once be retired. That is a principle which, I think, it would be hard to accept. It will not be fair to the officer to be retired peremptorily, simply because some people choose to make charges against him. It is certainly the right of every public servant that, if there are any charges against him, they should be examined and that only then should any penal action be taken against him.

MR. N. PADMANABHA PILLAI: May I know whether any action has been taken in matters concerning the conduct of officers when they were publicly announced to Government?

MR. K. GEORGE: Certainly, if the Government know, I expect Government will do the needful. Sir, as I said before, the rules allow wide discretion to Government and heads of departments, in the best interests of the State, and I think it will not be right on the part of the Council to take away from the Government this discretion which the rules now allow and which Government exercise only in the interests of the public. I might mention here that in view of the great financial burden that the rules impose on the State they have recently been made more elastic in Madras. For instance, I understand that in Madras ministerial servants, that is to say, clerks, are, as a rule, required to be retained in service until they are 60. If such a rule is adopted in Madras, I do not see why here in Travancore, in consideration of the financial interests of the State, we should not adopt a similar rule. I am only putting a case for consideration. On these grounds I oppose the resolution.

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MR. T. LAKSHMANA PILLAI: Sir, I rise to oppose the motion of Mr. T. Kumara Pillai. The tenor of the resolution appears to me to be sweeping, rigid and unnecessarily harsh. I seriously doubt whether the mover has fully realised the scope and object of the rule which prescribes the conditions for refusing extension of service to public servants. One of the main objects of the rule which reserves to Government the option of retiring or continuing a man in service after the age of 55 is *efficiency for Sirkar work*. It is not a question of personal favour or patronage, as it is sometimes supposed to be. Another object is that the exchequer should not be needlessly burdened by throwing a man into the pension list, while he is still capable of rendering active and efficient work for Government. This payment of pension is one that would be superadded to the charge of maintaining another public servant in the same place on full pay. The additional expense would be avoided, if the period of service of a man is extended to the utmost limit of his capacity, both physical and mental.

Our provisions which follow those of the British Indian Code seem to me to be based upon sound and cogent reasons, affecting the vital interests of both the Government and its public servants, and should not, in my humble opinion, be altered according to our whims and fancies, or for the purpose of remedying particular defects of administration of the rule, fancied or real, for which other remedies should and could be found.

The absolute bar against service is reached only at the age of 60. Section (*b*) of Article 304 is very clear in its exposition of the objects in view. It runs thus:

"To avoid all misapprehension on the subject of the rule regarding the compulsory retirement of officers after the age of 55 years, it is desirable to state that not only do Articles 304 and 382 of these Regulations do not require the compulsory retirement of an efficient officer of whatever age, but that though the Articles authorise the heads of departments at their discretion to presume that an officer is inefficient at 55 years of age conditionally and at 60 years of age absolutely, yet the whole tenor of the rules is that such presumption shall be exercised with careful consideration, both for the individual who would suffer by being deprived of his appointment while capable of discharging its duties, and for the finances of the State which would suffer, were officers, still efficient, prematurely thrown upon the pension list."

Thus, though the Government may presume that an officer at the age of 55 years is physically inefficient, yet this presumption may, in many cases, be rebutted by facts.

MR. T. K. VELU PILLAI: I want to know from Mr. Lakshmana Pillai how old Sir T. Madhava Rao was when he was appointed Dewan of Travancore?

MR. T. LAKSHMANA PILLAI: I am not in possession of the necessary information. But I know that many of the officers under the old system continued to do efficient and beneficial service even when they were sixty years old. Each case, then, will have to be judged on its own independent merits, as conditions differ widely according to constitution, temperament, nature and strain of the work, etc. In the last

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[Mr. T. Lakshmana Pillai.]

resort, the medical authorities alone, and not the Government or the public, as stated by Mr. Kumara Pillai—

MR. T. Kumara Pillai : അതാ പറഞ്ഞത്?

MR. T. LAKSHMAÑA PILLAI : I thought Mr. Kumara Pillai said that, Well, the medical authorities alone can make a final pronouncement on the physical fitness or otherwise of a public servant to continue in service and there is absolutely no danger of the Government being at any time thrown into an inextricable puzzle as regards the settlement of that question.

There is another important aspect of the question which has to be deeply pondered over by Government before it thinks of retiring an efficient public servant after 55 years of age, and that is, why that fund of valuable experience which a capable man could be expected to have gathered in the course of his long service and which Government may, in a manner, be taken to have actually earned by the long payment of his salary, should not be availed of to its utmost extent, and why the same should be lost to Government by his premature retirement on inadequate grounds? Though young men may be expected to be energetic in work, yet the guiding hand of experience remains with the man of maturity. Mere energy and juvenile intelligence, however well-cultivated, require to be directed and controlled by wisdom and experience. Then again, why should more emphasis be laid on special knowledge and training than on experience, especially in departments which can do without much special training?

We have seen that the whole spirit of the existing rule is one of kind consideration and well-merited generosity towards hard-worked public servants of long service, and not one of unnecessary harshness and severity. And this is as it should be. For undue harshness and severity are out of harmony with that paternal relationship in which Government may be taken to stand towards its faithful servants. I do not see, therefore, what valid reason can be assigned to alter the well-considered and wholesome rule now in force, or what has transpired of late to impede or muddle the flow of that milk of human kindness on the part of Government which is, after all, manned, not by soulless machines, but by human beings of flesh and blood, with hearts and feelings like all other men, who may be naturally expected to possess some kind of consideration for the welfare of their own faithful servants.

If the object of the mover is to find a solution for the defects, or to remedy individual cases of wrong-doing, observed in the application of the rule in particular cases of individual officers, a very real remedy can be had by entrusting the work of applying the rule to a committee of responsible men, instead of leaving it to the discretion of individual officers as at present. One of the objects of the mover seems to be to safeguard the interests of junior officers who would be thought to be

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deprived of their possible promotions. In this connection, I have to submit that the juniors, in their turn, if they only continue efficient, possess the very same chances of having their services extended up to the age of 60, and thus the cause of the evil or heart-burning, feared or imagined, is really absent. Here, as I have already stated, the object of the Government should primarily be to keep the service as efficient as possible at the minimum cost, and not to show any feverish anxiety in granting promotions to junior men, however deserving they may be, by imposing unnecessary and avoidable charges on the State exchequer. All the other defects pointed out by the mover would rightly find their solution in other ways than by altering the wholesome rule now in force.

MR. G. PARAMESVARAN PILLAI: Sir, I listened to the speeches of Mr. George, the Account Officer, and Mr. Lakshmana Pillai, the ex-Treasury Officer. Mr. George pointed out at the outset that there was a distinction made in the case of inferior and superior servants in point of extension of service. My observations are mainly directed towards the superior service. The rule, as pointed out by Mr. George, requires that every officer who has attained the age of 55 *may* be asked to retire, but that, in case extension was refused, Government ought to state the reasons for doing so. The Account Officer was in duty bound to accept the rules already framed and therefore he was quite right in supporting the present practice. But the spirit of Mr. Kumara Pillai's resolution is that these rules themselves—the provisions in the Service Regulations, which relate to extension of service—require modification in the light of the observations made by him. These rules are based on fundamentally wrong principles. To me, it appears that nobody is indispensable in the public service. In a tropical country intellect becomes mature at a comparatively early age—and here, I respectfully differ from my friend, Mr. Lakshmana Pillai,—and the middle age at once lapses into old age unlike in England where the conditions are different. In the tropics, just as darkness sets in and night follows immediately after sunset, decay and loss of vitality and other concomitants of old age set in just after middle age. In England where there are Judges, Prime Ministers and Cabinet Ministers, aged 60 and 70, there is in human lives a period of twilight considerably longer than what we have experience of in India. Even there a scrutiny of the lives of the greatest literary men, poets, etc., would show that much of their original work was written before they attained 60 and before the period of twilight set in. Tennyson wrote his *In Memoriam* in his 41st year and Morley's *Biography of Gladstone*, written after 60, is not his best.

The argument that it is cheaper to retain a man in service even after superannuation appears to me unsound.

MR. K. GEORGE: The condition is that he should be efficient.

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[Mr. G. Paramesvaran Pillai.]

MR. G. PARAMESVARAN PALLI: Financially, it was considered cheaper to Government not to send away these men so that the pensioners' list might not be swelled.

PRESIDENT: Provided they are efficient.

MR. G. PARAMESVARAN PILLAI: Sir, I submit that is a very vague term, especially when it is made applicable to almost all superannuated servants. Now, to proceed with the financial aspect of the question, when the Revenue Commissioner, for instance, retires, you do not appoint a fresh man in his place, but make a series of grade promotions with the result that the additional burden thrown on the exchequer by pensioning him is, perhaps, not so heavy as is imagined. But one has to take into account the general sense of satisfaction and contentment that will be generated in the service and the betterment of the *morale* that secured thereby. As a rule only the officer concerned is anxious to continue in service. In fact, I am aware of the clause in the Service Regulations which says that the public and the entire service would welcome his retirement. It is on this account that extensions are viewed with disfavour generally. The list furnished in reply to an interpellation the other day shows that more extensions are given than refused. The grant of extension is based entirely on personal considerations and invidious distinctions are made. To avoid this, the rule should be made hard and fast and the service will not suffer.

Another argument in favour of retiring officers on 55 is the accession of strength that would thereby accrue to the non-official public. Government are doing a manifest injury to non-official public opinion in the State by selfishly retaining the experience of men like Mr. Subba Aiyar or Mr. Anantanarayna Aiyar or Mr. Van Ross.

PRESIDENT: Mr. Van Ross is not 55 yet. It will take a long time for him to reach 55. (*Laughter.*)

MR. G. PARAMESVARAN PILLAI: My point is that there will be a real accession of strength on this side of the House if officers of ripe experience are translated over here.

PRESIDENT: I hope you will give them a hearty reception when they come.

MR. G. PARAMESVARAN PILLAI: Certainly so. The expansion of the Legislative Council and the consequently increasing association of the people in administration proper require that there should be among the non-officials a large element of well-informed critics. Yesterday, the Deputy President and Mr. K. P. Raman Pillai were deploring the dearth of men to serve on standing committees. Govern-

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ment should realise that the work done by non-officials in this Council or in committees or in educating public opinion outside is as important and as useful as the daily task of administration and that administration itself would be rendered easier if the non-official element can be elevated by an admixture of official experience. It should not be overlooked that by keeping them in harness till they become bed-ridden you deprive us of their usefulness. The policy of Government retaining indefinitely the services of their officers has been partly responsible for the paucity of retired officers figuring in public movements to-day.

One stock argument that may be advanced in favour of granting extension is that there is nobody to take the place of the superannuated men. This might be the reason, for example, why Mr. Ganapati Sastri has been given 8 extensions and may perhaps be given another 8 more. This fear seems to have invaded some of my friends on this side also who advocated the grant of "perpetual extension" to the present Law Member. I would only point out that immortality cannot be conferred by a Government order and that true wisdom consists in training up junior officers as understudies in such places.

The evil of granting extensions works in a vicious circle and not only affects the man who gets the extension, not only impairs the *morale* of the service, not only creates discontent among the legitimate aspirants, but also forces the hands of Government to continue granting extensions on the one hand and on the other to exempt men from the operation of the age bar. I might refer to an instance. Mr. Vieyra was granted, I think, four extensions, with the result that Mr. Mahadeva Aiyar was 54 years and 9 months old when he was appointed as Chief Secretary and his service had to be extended before he was confirmed.

PRESIDENT: Your time is up.

MR. G. PARAMESVARAN PILLAI: Sir, if Government consider that the present rule cannot be altered and that here good work can be done even after 55, the best thing would be to make the age of superannuation sixty-five or seventy and refuse definitely to grant extensions.

MR. K. P. RAMAN PILLAI: Sir, I was all along under the impression that the rule in the Service Regulations was that all officers should be retired on attaining the age of 55. To my relief, when I went through Article 304, I found that there was no such hard and fast rule at all.

"An officer may be considered to be inefficient at the age of 55 conditionally and at 60 absolutely".

So that it is a matter left entirely to the discretion of either the Government or the head of the department to say whether a particular officer of the inferior or superior grade is fit to continue in service or not. Even in regard to this resolution, I venture to think that there is some beating about the bush. The question is who should decide whether an officer is efficient or not. Evidently my non-official friends seem to think

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[Mr. K. P. Raman Pillai.]

that that question ought not to be decided either by Government or by the head of the departments concerned. So long as Government remains constituted as it is, I am clearly of opinion that administration could not be carried on unless the matter is left in the hands of specific individuals—instead of to what is called "public opinion"—,because, however much a person might take part in politics or in public matters, I feel he may not be in a position to know whether a particular officer is fit to continue in service or not. Whatever we might say about the profits of continuance, I am inclined to think that we cannot lay down the particular age at which a person ought to be retired or not, and consistent with what I have stated, we find that the mover of the resolution has not fixed any age. He is simply satisfied by saying:

"That this Council recommends to Government that no extension of service be granted to any employé".

He wisely does not fix the age.

MR. T. K. VELU PILLAI: As one who supported Mr. Kumara Pillai I may tell Mr. Raman Pillai that what was intended was that no extension should be given after 55.

MR. K. P. RAMAN PILLAI: I am not prepared to accept my friend's interpretation of the resolution. I am satisfied with my own interpretation of the motion.

Secondly, we find another difficulty in accepting the resolution. That is, it is made applicable both to the inferior and superior grades of the service. It is my deliberate prayer that, so far as inferior public officers at least are concerned, they should be retained in service as long as they can work satisfactorily, and from what I heard from other friends, I think there is not much difference of opinion in regard to this matter. Their cry seems to be against the superior officers. The chief arguments that I listened to against the retention of this section in the T. S. R. is that youngsters do not get opportunities. All that I have to say is that youngsters who get into service have open eyes and know this provision in the T. S. R. They have no reason to grumble if this provision in the T. S. R. is applied. We might take an instance, which we non-officials are fimiliar with. We find that there is no hard and fast rule regarding the retirement of lawyers at the bar. They continue till 60 or whatever age they please. (*Laughter.*)

MR. G. PARAMESVARAN PILLAI: May I inform Mr. Raman Pillai that lawyers are retired by the public more than by themselves?

MR. K. P. RAMAN PILLAI: I do not think so. Age is not the criterion for the clients. There is an instance even in this town of Trivandrum—and my friend who has got practice in the District Court might bear out the fact—of a gentleman who is trying his best to retire on account of superannuation, but is not allowed to retire by his client

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and his house is infested by the clients always. Age, at any rate, does not form a criterion to make a lawyer secede from working. I think, if that principle is adopted, that is to say, that youngsters should be given a chance, it ought to be brought into force in other circles of activities as well.

Another argument put forward by a member was that, if officers are retained in service, there would be paucity of retired officers and their experience would not be of use to the non-officials. There are several retired officers who are very healthy both in mind and body and who ought to take active part in politics, but who do not take any part in politics. The only conclusion is this. During their official career they are accustomed to move in one groove and when once the harness is removed they are unfit and they find themselves as fish out of water so that, that is not exactly the cause of paucity. They find themselves unable to meet the new requirements made upon them, so that my own idea is that the resolution ought to have been worded differently, *viz.*, that no officer should be retired from service so long as he is able to discharge his duty satisfactorily to his superiors; and I felt it particularly, when I heard about the prospective retirement of two Judges of the High Court. One of them I know intimately, and I can say that he is both physically and mentally fit to continue for years to come. The only solution is that the rule in the T. S. R. is not hard and fast. The efficiency bar ought not to be restricted to fifty-five or sixty and it may be applied even to officers who have not come to that age. I mean to say that if an officer is found to be inefficient at an earlier age, the authorities would do well to retire him. With these remarks, I oppose the motion.

MR. S. SUBRAHMANYA KARAYALAR: Sir, I heard the Financial Secretary telling that retired Government officers as a rule live too long. (*Laughter.*) Are they not to live long after serving the public for a very long time? Are we not to pray that they should live as long as God has ordained?

The fight for this proposition arises only when people aspire for Government service. So long as people value education only as a stepping-stone for Government service, this fight will last. But once the majority of educated men learn that Government service is the least to be desired, as there is more honourable work such as agriculture and trade, a fight of the kind in this Council will come to an end.

I, for my own part, do not trouble myself about the retirement of officers at any period. I am sure the House will agree with me that the Government will never exercise their discretion against the interest of the public for the sake of retaining an officer after fifty-five, unless they have sufficient grounds in the public interest to retain him. For the House to usurp the power of the Government *in toto* will be like the malignant attitude of grown-up children towards their aged father after obtaining control of his wealth.



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[Mr. A. Hoogewerf.]

I am not for pressing for the peremptory retirement of officers after 55. I think the House can completely rely upon Government that they will exercise their learned discretion in their selection to retain some of their officers after 55 and we will not be losers on that score.

MR. M. R. MADHAVA VARIAR: Sir, I heartily support Mr. Kumara Pillai's resolution. I am of opinion that there should be some rule limiting the service of officers and that rule must be hard and fast. It should not be elastic. That is the meaning, as I understand, of the resolution of Mr. Kumara Pillai. He has not mentioned the particular age of retirement of the officer. It may be fifty-five or sixty or even seventy. There must be a definite rule. And no extension should, on any account, be granted after that period.

Now the arguments of those who opposed the motion are to the effect that as a matter of administrative wisdom and on financial considerations, extension of service has to be granted sometimes. I know there are efficient and healthy men in various departments, who have not been given extensions of service; and this rule about extension of service is very rarely exercised as explained by some of the previous speakers. So the Government do not always consider the efficiency or health of an individual.

Efficiency is a word which is as vague and undefinable as public interest. It can be defined in any way. I know many examples where efficiency is not considered properly, where the appointments of persons who have completed 55 years have acted detrimentally to the public interest. Certain persons have been given extensions, who do not discharge their duties properly. I do not know how they are considered to be efficient. And certain other persons who have reputation for efficiency and health have not been given extensions of service. There is, therefore, considerable feeling of dissatisfaction in the country that Government are not exercising their discretion properly. So there must be some definite rules which will guide this discretion. The basis for those rules is provided in Mr. Kumara Pillai's resolution, to the effect:

"Except in cases where special knowledge and training are required and where other persons are not available for the time being."

Mr. George said that we should follow the example of Madras. I read in one of the speeches of Sir Charles Todhunter, in reply to a resolution brought forward by a member of the Legislative Council, that extensions of service should be granted to certain persons, while the Minister said that he was against the policy of Government and that extensions of service should be very rarely granted to officers. I say we have to follow that policy and it ought to be definitely declared by certain rules and the present rules have to be changed.

MR. A. HOOGEWERF: Sir, I find myself in a quandary. The resolution does not clearly give the age limit after which extensions

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should not be granted. I also see some officers who appear to be quite fit, retired after completion of their 55th year, while others are granted extensions. I do not know on what principle Mr. Everard and Mr. Justice Cheriyan were lately retired and Messrs. Justices Palpu Pillai and Sesha Aiyar are to be soon retired. I quite concede that Government should be the best judge in this matter, but there should be no invidious distinctions. Under the circumstances, I am not voting for or against the resolution. (*Laughter.*)

MR. P. K. NARAYANA PILLAI: With respect to the resolution now before the House the general understanding is to the effect that 55 is the age at which officers are to retire from service. Yet Mr. George has been telling the House that there is no such rule. But he admitted that after 55, in the case of officers of the superior grade, their terms of service have to be invariably extended so as to enable them to continue in office. Orders are also being passed accordingly. Thus then, in spite of the absence of a specific rule in the Service Regulations, everybody understands pretty clearly that 55 is the age limit at which officers of the superior grade have to retire. Unless Government also view the question in the manner aforesaid, the extension of service after 55 is a meaningless procedure.

The elastic provisions of the T. S. R. have received such an interpretation in the shape of long-standing practice as to look upon the completion of the fifty-fifth year as the terminus of official career, so much so that, even if the T. S. R. has not specifically provided for it, I say we have a piece of unwritten law covering the point. So in this resolution as it stands there is absolutely no ambiguity or indefiniteness as to what the mover of the resolution actually aims at. Hence, on that score, let not my friend, Mr. Hoogewerf, think that he is not in a position to vote one way or the other, and let not my friend, Mr. K. P. Raman Pillai, persuade himself into the view that the resolution is irremediably vitiated by vagueness. I take it, therefore, that invariably the Government themselves have been observing this as a rule in the case of superior service, and so soon as an officer in that grade reaches the said stage in his age, he has to leave off, in the absence of orders extending his career. What we have to consider is whether this irregular practice of extension is referable to any definite principle.

In other words the question now before the House is whether officers, who pass their fifty-fifth year, are to be continued in service or not, and, if so, on what conditions. We heard an observation from Mr. George that there were certain considerations to be borne in mind in the matter of retiring officers. One such consideration, he said, was the increasing pension charge, which the Government had to meet. Now that is a question which is capable of an analysis and some examination. We are not told anything about the ratio of the pension in the superior grade to that in the inferior. Then again, in the superior grade, this State has been employing a number of European officers entitled to get

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[Mr. P. K. Narayana Pillai.]

their pensions at shorter periods of service than the native officers. As such the pension charge on account of European officers may be a considerable item. That is a state of affairs brought about by the Government with an eye to secure efficiency of service. But on the ground of such pension charge, it is difficult to combat the resolution now before the House. If the State thought fit to employ European officers, I presume it was in the interest of efficiency. But why should the question of efficiency be subordinated to considerations of pension funds, when we come to Indian officers? If the retention of old and infirm officers tends, as it must, to impair efficiency of service, we are not justified in allowing ourselves to be swayed by the forbidding amounts of pensions liable to be paid. In this connection, one is tempted to insist on the appointment of as many Indian officers as possible to the exclusion of European officers with their shorter terms of service, exchange compensation and other concessions. Otherwise the pension rules regarding the European officers require modification so that the pension charge on their account, by its heaviness, should not lead to a conscious deterioration of service in the case of Indian officers. That is one aspect of the matter. Then the other argument, *viz.*, that youngsters should have their fair chances of rising in service and should not be kept down by any reluctance to pension off old officials, has been also scouted by some gentlemen who thought that they must support the Government. It was said that they enter service with "open eyes" and that they should not grumble if things do not turn out as they wish. It is this very argument of "open eyes" that I also rely upon in this connection. With "open eyes" they enter service under the cheering expectation that after 55 years of age the stratum above them would be vacated. But that is not done. So the "open eyes" argument is an argument that is really in our favour.

Then individual cases of hardship have been brought forward by Mr. George. He quoted the instance of an officer who finds obliged to retire after having put in twenty-four years' service because he happens to be 55 years old. Such an officer is not able to earn the full pension. He is to retire with such pension as the rules provide. I fail to understand why the tenderness of Government should be exercised in the case of such an officer who cannot be presumed to have entered service with the prospect of earning the maximum pension.

Then the question of the physical fitness of the officers concerned and all manner of unascertainable factors relating to the question of efficiency were also brought forward. If the factors that constitute efficiency are definable, there can be no difficulty in laying down rules entitling an officer to an extension of service. But no such thing is attempted. And who is to judge of efficiency? If physical fitness is the criterion, there are some retired officers amoung us who should not have been allowed to retire at all. If the test is to be supplied by the nature and extent of the work to be turned out, there again, we cannot be said to be on safe ground.

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For example, I know the case of an officer who was about 53 or 52 at that period, but who could not move about as ordinary mortals do, and took nearly one hour, from his office, to reach the Union Club at Kottayam, say a distance of a furlong or two. He was a very clever officer with extraordinary ability and keen intelligence. Judged by official returns, he would not have fallen behind any other officer. But the inconvenience the general public were put to, because the officer used to attend office only after two o'clock, was very great. He used to take much time to reach his office and wanted to leave it very early so as to reach home before nightfall. He was able to dispose of cases to the satisfaction of the parties, but, all the same, the general inconvenience to all concerned was an aspect of the situation, which never appeared in the official returns. I have absolutely nothing to say against him with respect to the official work he was turning out. But the crowd of people who used to come on one day were asked to come on the next day. On that day the waiting people and the new comers would be required to come on yet another day.

PRESIDENT: Your time is up.

MR. P. K. NARAYANA PILLAI: And thus the general public used to be troubled. To obviate these difficulties, I submit that, though a man may be able to turn out the official routine, yet in the interests of the convenience of the public, in the interests of general efficiency, and in order to avoid apparently invidious distinctions in the matter of extensions—to avoid all these anomalies, it is better that Government stick to some specific rule with respect to this question of retirement of high officers.

MR. K. P. RAMAN PILLAI: Will Mr. Narayana Pillai fix an age?

MR. P. K. NARAYANA PILLAI: Fifty-five is the age fixed by Government. I adopt it. If it is to be altered, let a case be made out to modify it.

MR. M. K. KHADIR PILLAI: Sir, I am sorry that I have to oppose the motion so ably argued by my friend, Mr. Kumara Pillai. As a merchant, I have dealings with many other merchants of different towns whose ages vary between 16 and 80 and more. But as a matter of fact, I know that some merchants whose ages are 70, 75 and 80 are doing their business much better than those whose ages are 50 and below. For example, the uncle of my father-in-law, who is about 80 years of age, is himself even now managing his large business, and I am glad to say he is now a master of about Rs. 20 lakhs. Again there is the well-known Mr. Brunton who is now above 75 years of age and who is managing his large firm with a large staff of subordinates. I know many other merchants who are themselves managing their business satisfactorily, although they are above 60 years of age. Amongst agricultrists, I know there are many who manage their agricultural affairs satisfactorily. So I cannot agree with Mr. Kumara Pilla;

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[Mr. J. John Nidiry.]

that persons above the age of 55 are not competent to serve the Government. If Government think officers who have attained 55 years are efficient to serve some more time, I find no objection to give them extension and maintain that the money to be spent on pension can be utilised for some other good purposes. I, therefore, oppose the motion.

MR. K. C. RAJA RAJA VARMA: Sir, in this matter my impression is that Government can, to a very large extent, act up to the principle in this resolution; because the condition of the rules relating to retirement is that an officer may retire on his own accord when he has put in twenty-five years' service. In that case, he will get half pension. Government may ask an officer to retire at the age of 55, but at the age of 60, he should be compulsorily retired. The period between 55 and 60 is the time when extension may be given by Government. Invariably, in a large majority of cases, officers are retired at the age of 55. But we find latterly that many officers possessed of good physique and ability to discharge their duties are retired at the age of 55, whereas certain other offfcers are given extension even though they appear to be fit for retirement. So, I think, what the mover of this resolution wants is only an announcement of this principle which has been already followed by Government, *viz.*, either that the officer should be retired at the age of 55 or at the age of 60. Let it not be allowed to the discretion or fancy of the subordinate officer to recommend to Government that a particular officer should be given extension after the age of 55. Let there be a rule which would be more or less followed rigorously in the case of the retirement of all officers. I do not see that there is very great objection to laying down a rule which should be followed invariably in the case of the retirement of officers unles where the public service would suffer very considerably by the retirement of certain very good officers, whose loss to the service would be detrimental to the interests of the State. I think that all this difficulty arises out of the abstruseness of the rules prescibed in the T. S. R. If the rules prescribed there are made clear, I think the whole difficulty would disappear.

MR. J. JOHN NIDIRY: Sir, I am of opinion that certain sections which have been read to us by Mr. George need not terrify us in regard to the question before us. For, after all, the T. S. R. is not a statutory Regulation. It has only the force of an executive order. Further the wording itself shows that the ordinary rule, which is contemplated to be observed by the Regulation, is that the fifty-fifth year should be the normal one. The fact that extensions are very often granted by the Government shows that that was the intention with which the framers passed these rules. That being the case, the wording of the resolution before us does not require any amendment or alteration whatever. The intention of the mover should be properly understood. Further, he has already made a certain exception which, all of us would agree, is necessary. He has allowed a large margin. The principle that 55 should be made the proper

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limit for an officer to retire is a wholesome one to be enforced as a rule. Under such circumstances; I entirely agree with the mover and support his motion.

MR. G. PARAMESVARAN PILLAI: I move that the question be now put.

PRESIDENT: Does the House want a closure?

MR. V. SUBBA AIYAR: The ordinary practice is that somebody who has not spoken should move it. I believe Mr. Paramesvaran Pillai has spoken. I think he cannot move the motion.

PRESIDENT: Yes; last time we overlooked it. Now, Mr. Paramesvaran Pillai, it would be well if some one else moved the closure. Is there any gentleman who wishes to speak?

There was no one.

PRESIDENT: I will call upon Mr. Kumara Pillai to make his reply.

MR. T. KUMARA PILLAI: എന്റെ പ്രമേയത്തിനു മിസ്റ്റർ ജാർജ് പറഞ്ഞിട്ടുള്ള സാധാനങ്ങളിൽ ചിലതിനുമാത്രമെ എനിക്കു മറുപടി പറയേണ്ടതായുള്ളു. ഇൻഫീരിയർ സർവ്വീസിലുള്ളവരെ നാം വയസ്സുവരെ വച്ചുകൊള്ളുന്നതിനു മുമ്പെതന്നെ ഗവർൺമെൻറു വ്യവസ്ഥ ചെയ്തിട്ടുണ്ടെന്നുള്ള അറിവോടുകൂടിയാണ് ഞാൻ ഈ പ്രമേയംകൊണ്ടു വന്നിട്ടുള്ളത്. അവരെ ഒരു വയസ്സു കഴിഞ്ഞാൽ ഉടനെ പെൻഷൺ കൊടുത്തു പിരിക്കണമെന്ന് ഈ പ്രമേയത്തിൽ ഞാൻ ഉദ്ദേശിച്ചിട്ടില്ല. നേരെമറിച്ച് ഉയന്തരം ഉദ്യോഗസ്ഥന്മാക്കു ഉദ്യോഗകാലാവധികൂടി നീട്ടിക്കൊടുക്കാൻപാടില്ലെന്നുള്ള നിഷ്കർഷ വേണമെന്നുമാത്രമെ ഞാൻ കരുതീട്ടുള്ളു. ദേഹശക്തി, മനഃശക്തി ഇവയും കായ്ക്ഷമതയോടുകൂടിയ ഭരണത്തിനുവേണ്ടതായ ശേഷിയും ഉള്ളവർക്കു ഉദ്യോഗകാലാവധികൂടി നീട്ടിക്കൊടുക്കണമെന്നാണ് മിസ്റ്റർ ജാർജ്ജ് പറയുന്നതു്. ഈ യോഗ്യതകൂടി ശരിയായി കണ്ടുപിടിച്ചു് ഉദ്യോഗകാലാവധികൂടി നീട്ടിക്കൊടുക്കാൻ അപൂർവ്വം ചില വ്യവസ്ഥകളിൽ ഒഴികെ ഗവർൺമെൻറിനു സാധിച്ചിട്ടില്ലെന്നുള്ളതു് അനേകദൃഷ്ടാന്തങ്ങളാൽ വേണ്ടപോലെ തെളിഞ്ഞിട്ടുള്ളതാണ്. ഉദ്യോഗകാലാവധി നീട്ടിക്കൊടുത്തിട്ടുള്ള ചില ദൃഷ്ടാന്തങ്ങളിൽ പബ്ലിക്കു സർവ്വീസിനെ ദുഷിപ്പിച്ചു ദുർഗ്ഗന്ധമയമാക്കിത്തീർക്കയും ഗവർൺമെൻറിനു ദുഷ്കീർത്തിയുണ്ടാക്കിത്തീർക്കയും ചെയ്തിട്ടുള്ളതും ജനങ്ങൾക്കു് അറിയാവുന്നതാണ്. ഉദ്യോഗകാലാവധികൂടി നീട്ടിക്കൊടുത്തുകൊണ്ടിരിക്കുന്ന കാലത്തോളം പബ്ലിക്കു സർവ്വീസിനു് ഉണ്ടാകുന്ന ഈ ദുരിതാവസ്ഥകൾക്കു ഭേദംവരുന്നതല്ല. ഗവർൺമെൻറ് അത്യാശയോടുകൂടി പറയുന്ന കായ്ക്ഷമതയെപ്പറ്റി നോക്കുന്നതായാൽ ഇതിലേറെ കഷ്ടമാ

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[Mr. T. Kumara Pillai.]

ണ്ട്. ഉദ്യോഗകാലാവധി കഴിയുന്ന ആണ്ടിൽ ആയതു നീട്ടിവാങ്ങാനുള്ള ശ്രമത്താലും വാങ്ങിക്കഴിഞ്ഞ ആണ്ടിൽ അതിൽനിന്നു വിരമിക്കാനുള്ള സംകടത്താലും കഴിച്ചുകൂട്ടുന്നു എന്നല്ലാതെ ജനങ്ങൾക്കു കായ്ക്ഷമതയോടുകൂടിയ ഭരണം അവരിൽനിന്നു കിട്ടാൻ സാധിക്കാതെവരുന്നു. ഉദ്യോഗകാലാവധികൾ നീട്ടിക്കൊടുക്കയില്ലെന്നു വരുന്നതായാൽ ആ തരം ഉദ്യോഗസ്ഥന്മാരുടെ പരിപക്വമായ പരിചയത്തിന്റെ ഗുണം സർക്കാരിനു നഷ്ടമാകുന്നു എന്നാണ് മിസ്റ്റർ ജാർജ്ജ് മറൊരു സമാധാനം പറയുന്നത്. ഈ സമാധാനം കേൾക്കാനും വാദിക്കാനും നുഖമായിരിക്കുന്നതാമെന്നല്ലാതെ ആ ഉദ്ദേശം എങ്ങനെ സാധിച്ചുകൂട്ടുമെന്നുള്ളതു് അറിയാൻ തരമില്ലാതിരിക്കുന്നു. ഉദ്യോഗകാലാവധി തീർന്നതിൽ പിന്നീട് ആ ഉദ്യോഗസ്ഥന്മാരുടെ പരിപക്വമായ പരിചയത്തിനുവേണ്ടി എത്രകാലം അവരെവച്ചുകൊണ്ടിരിക്കാൻ സാധിക്കുമെന്നും അതിലേക്കായി അവരെ വച്ചുകൊണ്ടിരുന്നാൽ പബ്ലിക്കുസർവ്വീസിനു് അത്യാവശ്യമായികരുതുന്ന പരിപക്വമായ പരിചയം യുവാക്കന്മാർക്ക് എങ്ങനെ ഏതുകാലം സിദ്ധിക്കുമെന്നുമുള്ള വിവരം മിസ്റ്റർ ജാർജ്ജ്തന്നെ വ്യാഖ്യാനിച്ചു പറഞ്ഞുതരേണ്ടതായിരിക്കുന്നു. ഇപ്പോൾ പെൻഷൺകൊടുത്തുവരുന്ന ഇനത്തിൽ സുമാർ ലക്ഷം രൂപാ ചിലവുവരുന്നുണ്ടെന്നും, ഈ വയസ്സിൽതന്നെ പെൻഷൺ കൊടുക്കുന്നതായാൽ ആ തുക സീമാതീതമായി വർദ്ധിച്ചുവരുന്നതാണെന്നും മിസ്റ്റർ ജാർജ് വേറൊരു സമാധാനം പറയുന്നു. ജീവിതകാലപെൻഷനു, ഇൻഫീരിയർ ഗ്രേഡിലെ പെൻഷൻ, പട്ടാളക്കാരുടെ പെൻഷൻ, യൂറോപ്യന്മാരുടെ പെൻഷൻ, ഉയന്നതരം ഉദ്യോഗസ്ഥന്മാരുടെ പെൻഷൻ ഇങ്ങനെയുള്ള ഓരോ ഇനത്തിലും ചിലവായി വരുന്ന വിവരമായ കണക്കുകൾ അറിഞ്ഞെങ്കിൽ മാത്രമേ അതിനെപ്പറ്റി ശരിയായ ഒരു മറുപടി പറയാൻ തരമുള്ളൂ. ഉയന്നതരം ഉദ്യോഗസ്ഥന്മാരുടെ പെൻഷൻ തുക എത്രത്തോന്നു വർദ്ധിച്ചുവന്നാലും ആ കാരണത്തിന്മേൽ ഉദ്യോഗകാലാവധികൾ നീട്ടിക്കൊടുത്തു പെൻഷൻ ചിലവുകളിൽ ലാഭമുണ്ടാക്കാൻ കരുതുന്നതു് ഒരിക്കലും അനുകരണീയമായ ഒരു നയമല്ല. ഈ രാജ്യത്തിലെ വരവ് ഓരോ ആണ്ടിലും അപരിമിതമായി വർദ്ധിച്ചുവരുന്നതിനു പ്രയത്നിച്ചിട്ടുള്ളവർ ഉയന്നതരം ഉദ്യോഗസ്ഥന്മാരാണ്. അവർക്കു വിശ്രമിക്കാൻ അവകാശപ്പെട്ടിട്ടുള്ള കാലത്ത് അതിനു് അനുവദിക്കാതെ ഗവർണ്മെൻറിനുണ്ടാകുന്ന സല്പലാഭത്തെ കരുതി അവരെ സർവ്വീസിലിരുത്തി വേലചെയ്യിക്കാൻ ഉദ്ദേശിക്കുന്നതു് ഒരിക്കലും ന്യായ

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മായിട്ടുള്ളതല്ല. പെൻഷണ്ടുക വർദ്ധിച്ചുവരുന്നതിനു സഹായിച്ചുവരുന്ന ഒരു സംഗതിക്കൂടി കൌൺസിലിന്റെ ശ്രദ്ധയിൽകൊണ്ടുവരേണ്ടതായിരിക്കുന്നു. ൧൦൦ രൂപാ ശമ്പളം നിശ്ചയിച്ചിട്ടുള്ള ഒരു ഉദ്യോഗത്തിനു ൧൫൦൦ രൂപാ ശമ്പളം കൊടുക്കുന്നതായാൽ ശമ്പളച്ചിലവും അതിനു യോജിക്കുന്നതായ പെൻഷൺടുകയും കൂടുകതന്നെ ചെയ്യും. ഇതു ഫൈനാൻഷ്യൽ സിക്രിട്ടറിയും ഗവണ്മെൻറും കാലേക്കൂട്ടി സൂക്ഷിക്കേണ്ടതായ സംഗതികളാണ്. പൊതുമുതൽ ചിലവാക്കുന്ന സംഗതിയിൽ വേണ്ടപോലെ സൂക്ഷിക്കാതെ ആളുകൾക്കായി ഉദ്യോഗങ്ങൾ സൃഷ്ടിക്കയും, ആളുകളെ നോക്കി ശമ്പളത്തുകകൾ നിശ്ചയിക്കയും ചെയ്യുകൊണ്ടിരിക്കുന്ന കാലത്തോളം ഈ ഇനങ്ങളിലുള്ള അധികച്ചിലവുകളെപ്പറ്റി ജനങ്ങളെയും കൌൺസിലിനെയും അറിയിക്കുന്നതിൽ പ്രയോജനമില്ലാത്തതാണ്. സ്പെഷ്യലപോലെ കാര്യങ്ങൾ നടത്തുകയും, അതിനെപ്പറ്റി വ്യാഖ്യാനിക്കേണ്ടതായ അവസരങ്ങൾവരുമ്പോൾ ഏതെങ്കിലും മാതിരി രൂപീകരിച്ചുള്ള കണക്കുകളെക്കൊണ്ടു സമാധാനം പറഞ്ഞു വാദിക്കയും ചെയ്യുന്നതിൽ ഒരു പ്രയോജനവുമില്ലാത്തതാണ്.

പരിപക്വമായ പരിചയത്താൽ പബ്ലിക്കു സർവ്വീസിനു കിട്ടുന്നതായ ഗുണത്തെ ചെറുപ്പക്കാർക്കുവേണ്ടി ഉപേക്ഷിക്കാൻ പാടില്ലെന്നുകൂടി മിസ്റ്റർ ജാജ്ജ് പറഞ്ഞിരിക്കുന്നു. അദ്ദേഹത്തിന്റെ ഈ അഭിപ്രായത്തിൽ ഞാൻ നിർവ്യാജമായി സംകടപ്പെടുന്നു. പരിപക്വമായ പരിചയത്താൽ പബ്ലിക്കു സർവ്വീസിനു കിട്ടുമെന്നുള്ള ആശയോടുകൂടി ഉദ്യോഗകാലാവധികൾ നീട്ടികൊടുക്കുന്നതിൽ പരിപക്വമായ അഴിമതിയും വലുമാനമായ കൈക്കൂലിയുമാണ ചിലപ്പോൾ കിട്ടിവരാറുള്ളതെന്നു മിസ്റ്റർ ജാജ്ജ് തന്നെ രഹസ്യമായി സമ്മതിച്ചേക്കുമെന്നാണ് ഞാൻ വിശ്വസിക്കുന്നത്. പബ്ലിക്ക് സർവ്വീസിലുള്ള ചെറുതരം ഉദ്യോഗസ്ഥന്മാരുടെ നടപടികളെപ്പറ്റി ഗവർണ്മെൻറിനു രഹസ്യമായ റിപ്പോർട്ടുകൾ അയയ്ക്കാൻ വ്യവസ്ഥകൾ ചെയ്തിട്ടുണ്ട്. ഇങ്ങനെയുള്ള റിപ്പോർട്ടുകൾ അയയ്ക്കാൻ അധികാരമുള്ള ഡിപ്പാർട്ടുമെൻറ് അധികൃതന്മാരുടെ അഴിമതികളേയും കൈക്കൂലികളേയും നിയന്ത്രിക്കാനോ കണ്ടുപിടിക്കാനോ ഒരു വ്യവസ്ഥയും ഉണ്ടാക്കീട്ടുള്ളതായി അറിവില്ല. ഇവർ പബ്ലിക്കായി കൈക്കൂലിവാങ്ങിവരുന്നു എന്നിരുന്നാലും അതിന്മേൽ ജനങ്ങൾക്കു യാതൊന്നും പ്രവർത്തിക്കാൻ നിവൃത്തിയില്ലാത്തവിധമാണ് നിയമമുണ്ടാക്കീട്ടുള്ളത്. കൈക്കൂലി കൊടുക്കുന്നവനും വാങ്ങുന്നവനും, പുറത്തുപറയുന്നവനും ശിക്ഷകല്പിച്ചിട്ടുണ്ട്: കൈക്കൂലിവാങ്ങുന്ന ഉദ്യോഗസ്ഥന്മാരെ ബലമായി തട



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[Mr. K. George.]

ക്കാൻ ശക്തിയില്ലാത്തതായ ഒരു വകുപ്പു പീനൽകോടിൽ ഉണ്ടായിരിക്കേണ്ട ആവശ്യംതന്നെ എന്താണെന്നറിയുന്നില്ല. ഉദ്യോഗകാലാവധികഠം നീട്ടിക്കൊടുക്കാതിരിക്കുന്നപക്ഷം രാജ്യത്തേക്ക് ഉണ്ടാകുന്ന ഇത്തരം ട്ടുശ്ശസ്സിനു ഒരു വിധം കുറവു വരുന്നതാണ്. രാജ്യത്തേയും അതിലെ ജനങ്ങളേയും മനഃപൂർവ്വം സ്നേഹിക്കുന്ന ഉയന്തരം ഉദ്യോഗസ്ഥന്മാർ ൪൫-ാമത്തെ വയസ്സുതികയുന്ന അന്നെദിവസം അവരുടെ ഉദ്യോഗങ്ങളിൽനിന്നു പിരിഞ്ഞ് ചെറുപ്പക്കാക്കു സ്ഥലംകൊടുക്കേണ്ടതാണ്. ഇപ്പോഠം ഉദ്യോഗകാലാവധികഠം നീട്ടിക്കൊടുക്കുന്നതിൽ നിന്നും ഗവൺമെൻറിനു കിട്ടിവരുന്ന മാതിരിയുള്ള കായ്ക്ഷമത മതിയാകുമെന്നു വിചാരിക്കയും; അതിനാൽ ജനങ്ങാംക്കു വന്നുകൂടുന്നതായ സംകടങ്ങളും നഷ്ടങ്ങളും അവർ സഹിക്കണമെന്നു നിശ്ചയിക്കയും, ഉദ്യോഗസ്ഥന്മാരുടെ ക്ഷീണിച്ച കാലങ്ങളിൽ അവരെ സഹായിക്കയും ചെയ്യണമെന്ന മനഃപൂർവ്വം ഗവണ്മെൻറു കരുതുന്നപക്ഷം ഉദ്യോഗകാലാവധിയെ ൫൦ വയസ്സുവരെയൊ ൫൫ വയസ്സുവരെയൊ നീട്ടിവയ്ക്കയാണ് ഉചിതമായിട്ടുള്ളതു്. അങ്ങനെയല്ലാതെ ഉദ്യോഗകാലാവധി ൪൫ വയസ്സുവരെ ആണെന്നു നിശ്ചയിക്കയും, അതിൽ പിന്നീട് ഒരു സ്ഥിരതയുമില്ലാതെ ഗവണ്മെൻറുതന്നെ അതിൽനിന്നു വ്യതിചലിച്ചു പ്രവർത്തിക്കയും ചെയ്യുന്ന നയം ഉത്തരവാദിത്വമുള്ള ഭരണത്തിന് ഒരിക്കലും യോജിക്കുന്നതല്ല. എന്റെ പ്രമേയത്തിനു മിസ്റ്റർ ജോജ്ജ് പറഞ്ഞിട്ടുള്ള സമാധാനങ്ങാംക്കു മറുപടിയായി ഇതിൽ കൂടുതൽ പറയണമെന്നു ഞാൻ ഉദ്ദേശിക്കുന്നില്ല.

MR. K. GEORGE: Sir, I have very little to add to what I have already said. The whole question turns on this, *viz.*, whether, if an officer is efficient to discharge his duties properly, he should be compulsorily retired, and if he is quite efficient—both physically and mentaly—why he cannot be retained in the service of the State.

MR. JOSEPH PANJIKARAN: Sir, does he include moral efficiency as well?

MR. K. GEORGE: Yes, certainly.

MR. T. K. VELU PILLAI: Is there any instance of an officer being retired for lack of moral efficiency?

MR. K. GEORGE: I am not able to answer that.

MR. G. PARAMESVARAN PILLAI: What is the standard of efficiency, please?

MR. K. GEORGE: The standard of efficiency is indefinable. It is the Government that are constantly in touch with their officers, and

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they are the right authority to judge the efficiency of their officers. And the heads of departments who are in touch with their subordinates could similarly judge of the efficiency of their subordinates.

MR. JOSEPH PANJIKARAN: How can the heads of departments understand whether a subordinate is morally efficient or not?

PRESIDENT: I am afraid that question cannot be answered. We do not generally talk of moral efficiency, but we talk of moral standard.

MR. K. GEORGE: Probably he means corruption.

PRESIDENT: Corruption is a thing which has got to be proved

MR. K. PARAMESVARAN PILLAI: Has the Government laid down, as required by the rules, their reasons for retiring the officers? Or do they give reasons for giving extensions?

MR. K. GEORGE: They do give reasons. The case of every officer is specially considered by Government, and the fact that he is physically or mentally fit is placed before the Government; in the case of subordinates, the heads of departments do the same.

MR. K. PARAMESVARAN PILLAI: I want to know if in the case of officers compulsorily retired, reasons are given before retiring them. That is what the rules require if they are to be strictly enforced. It is for compulsory retirement that reasons must be given—not for extension.

MR. K. GEORGE: In my position as Account Officer I do not get the information and so I am unable to answer.

PRESIDENT: Will you please address your question to me, Mr. Paramesvaran Pillai?

MR. K. PARAMESVARAN PILLAI: I heard the member saying that in the case of extension, Government do consider the physical and mental efficiency of officers, and lay down the reasons for their retirement.

PRESIDENT: According to the rules, they must be doing it.

MR. K. PARAMESVARAN PILLAI: The rule is that, in the case of compulsory retirement, the reasons should be given. I want to know whether that is done.

PRESIDENT: Mr. George says that he is not in possession of the information.

MR. K. GEORGE: Now, to continue, the whole question is, as already stated, whether in case an officer is efficient he should not be retained in the service of the State or whether he should be retired. The advantages of retaining him in service and the occasions on which extension is to be given, are clearly laid down in the rules, and I think, I explained them in my first speech.

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[Mr. K. George.]

MR. T. K. VELU PILLAI: May I know whether the reasons for retiring could not be published in the Gazette?

PRESIDENT: That question does not arise here. You can raise it on another occasion.

MR. C. P. KOCHUKUNJU PILLAI: I have heard of certain classes of officers who are allowed extension, and, at the same time, are allowed to be on leave for a certain period. I should like to know on what principle this is done.

MR. K. GEORGE: I will explain that. When an officer attains the age of 55, he might have earned some leave, and Government sometimes grant such officers the leave they have earned. To cover the period of leave so granted, the Government have to grant an extension.

Then the question is, if efficient men are to be retained to the advantage of the State, who is the authority to decide whether he should be granted extension or not—whether it should be decided by the Government or by any other agency.

Mr. JOSEPH PANJIKARAN: I think the question put forward by Mr. George is not at all the question before the House.

PRESIDENT: You should not analyse a speech like that. Efficiency is one of the questions before the House. Mr. George was talking about that and he referred to something which is not in the wording of the resolution. You cannot prevent him from doing it.

Mr. K. GEORGE: Sir, I shall pass on. Mr. Narayanan Pillai said that the Regulations do not appear to provide specifically the rules for granting extension, year after year. I believe that was his difficulty.

MR. P. K. NARAYANA PILLAI: I am sorry I have been misunderstood by Mr. George. I gathered from him that there was no rule that an officer should retire at 55. Then I reiterated by saying; "Why not it be incorporated in the Regulations and the age put in as 55?" It might be because, year after year, extensions have been granted to officers who have been allowed to enjoy extensions in their service; that is all that I submitted.

MR. K. GEORGE: This is done on the very same principle enunciated in the Regulation. They say that at the age of 55 it may be presumed that an officer is inefficient conditionally, and at 60, absolutely. And based on that there is a rule that Government should consider the extension of service of officers *year after year*.

MR. P. K. NARAYANA PILLAI: Thanks.

MR. K. GEORGE: That is clearly laid down and will be found in Article 306. Thus, the question of efficiency comes before the Gove rnment every year, and is considered by Government, and extensions are granted only if efficiency is proved.

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Another question was raised by Mr. Narayana Pillai and Mr. Kumara Pillai, *i. e*, what the expenditure on pensions to European officers in the State amount to. I am not in a position to give that information now. But I may assure the House that the expenditure on pensions to European officers is only a very small portion of the total amount of pension that Government pay. I can furnish the House with correct information if I have time.

MR. G. PARAMESVARAN PILLAI: Will the Financial Secretary be able to tell us what portion of Rs. 6·5 lakhs goes as pension to the superior services?

MR. K. GEORGE: I have collected the information, but I have not got it before me now.

So, Sir, I still adhere to the view that, in the best interests of the State, efficient officers should be retained in the public service and that Government should have the discretion to keep on officers so long as they are efficient. Every safeguard is taken both by Government and heads of departments who have to deal with the officers subordinate to them to see that only efficient officers are retained by both. I think that discretion is safe in the hands of Government, and I, therefore, oppose the resolution.

PRESIDENT: Mr. Kumara Pillai, I take it that you press this resolution to a division.

MR. T. KUMARA PILLAI: Yes, Sir.

The resolution was put to the vote and lost, 19 voting *for* and 20 *against*.

MR. K. PARAMESVARAN PILLAI: I think this includes the President's vote also.

PRESIDENT: Yes.

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## COMMITTEE FOR THE CONSIDERATION OF AMENDMENTS TO STANDING ORDERS.

PRESIDENT: On the subject of the Select Committee which is to sit for the consideration of the draft amendment to Standing Order No. 6, clause (2) I would inform the House that, at the election held under the presidency of the Deputy President, the following members were elected:

Mr. G. Paramesvaran Pillai;
„ K. Paramesvaran Pillai;
„ T. K. Velu Pillai;
„ N. Kumaran;
„ J. John Nidiry; and
„ K. P. Raman Pillai.

The House will now rise and meet again at half-past eleven to-morrow.

The Council adjourned at 5-7 P. M.

S. PARAMESVARA AIYAR,
*Secretary to the Legislative Council.*

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